

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 14176 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

DIMPLE SURESHBHAI PANCHAL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 14176 of 2003
MR NM KAPADIA for Petitioner No. 1
MR DN PATEL for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE A.R.DAVE

Date of decision: 15/10/2003

ORAL JUDGEMENT

1. RULE. Service of rule is waived by learned
advocate Shri N.J. Shah appearing for Shri D.N. Patel,

Sr. Standing Counsel for the respondent. At the request of the learned advocates, the petition is finally heard today.

2. Learned advocate Shri N.M. Kapadia appearing for the petitioner has submitted that the petitioner has given an application for passport on 5th August, 2002. It is her case that though all material required by the respondent authority has been supplied to the respondent authority, the petitioner has not been given passport till today. It is her case that the petitioner has a right to get passport and, therefore, the respondent authority should be directed to issue passport to the petitioner.

3. On the other hand, learned advocate Shri N.J. Shah appearing for Senior Standing Counsel Shri D.N. Patel has submitted that only on account of lethargy of the petitioner the respondent authority could not take any action. Learned advocate Shri N.J. Shah has drawn my attention to certain discrepancies with regard to date of birth of the petitioner. He has submitted that according to the school leaving certificate, which is at Annexure-C to the petition, date of birth of the petitioner is 27th July, 1978 whereas according to the birth certificate which is at Annexure-B to the petition, date of birth of the petitioner is 27th September, 1978. It has been submitted that the petitioner was asked to explain as to how the discrepancy had arisen by filing an affidavit. It is the case of the respondent authority that the petitioner neither approached the respondent authority nor filed any affidavit stating as to how the said discrepancies had taken place.

4. Learned advocate Shri N.J. Shah has however submitted that if the petitioner approaches the respondent authority with an affidavit stating the details as to how the said discrepancy had arisen, the respondent authority shall look into the discrepancy and shall do the needful for issuing passport to the petitioner.

5. It has been also submitted by learned advocate Shri N.J. Shah appearing for the respondent authority that in the birth certificate given by the petitioner name of the petitioner has not been stated.

6. In the circumstances, it is doubtful whether the certificate relied upon by the petitioner is a certificate issued in respect of her birth. The said fact should also be explained by the petitioner by filing

affidavit.

7. It has been submitted by him that if the petitioner files an affidavit stating the said facts, the respondent authority shall look into the facts of the case and shall do the needful for issuing passport to the petitioner.

8. Learned advocate Shri N.M. Kapadia has submitted that the petitioner shall file necessary affidavit as stated hereinabove.

9. Looking to the said fact, the respondent authority is directed to look into the material which might be produced by the petitioner and do the needful for issue of passport to the petitioner.

10. In view of the above development which has taken place in the matter, learned advocate does not press for this petition and the petition stands disposed of as not pressed. Rule is made absolute to the above extent.

(A.R. DAVE, J.)

siji